

FILED
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U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★ JAN 13 2020 ★

LONG ISLAND OFFICE

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UNITED STATES OF AMERICA, and
STATE OF NEW YORK,
ex rel. PETER OTTAVIO,

Plaintiffs,

- against -

RESMED Inc.,

Defendant.

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**JOINT STIPULATION OF
DISMISSAL**

Civil Action No.
17-CV-5734

(Feuerstein, J.)
(Shields, M.J.)

WHEREAS, Relator Peter Ottavio filed the above-referenced action in the United States District Court for the Eastern District of New York, in which she asserted claims on behalf of the United States pursuant to the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3729 *et seq.*;

WHEREAS, in the complaint, Relator also asserted claims pursuant to the New York State False Claims Act, New York State Fin. Law §§ 189 *et seq.* (the "NYS FCA");

WHEREAS, in accordance with 31 U.S.C. § 3730(b), Relator's complaint was deemed sealed for a period of at least sixty days from the date of service of Relator's disclosure material on the United States, and the seal and intervention deadline were subsequently extended by Court order;

WHEREAS, on December 20, 2019, the United States filed its Notice of Partial Intervention in this action;

WHEREAS, Relator, the United States and New York State entered into settlement agreements ("Settlement Agreements") with defendant Resmed, Inc. ("Defendant");

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WHEREAS, in the Settlement Agreements, the United States, the State of New York and Relator agreed that when Defendant makes its payments required under the Settlement Agreements, the United States and State of New York would submit a stipulation of dismissal of this action;

WHEREAS, Defendant has made its payments pursuant to the Settlement Agreements;

WHEREAS, Relator seeks to voluntarily dismiss all remaining claims in this action;

WHEREAS, the United States and New York State consent to Relator's dismissal of all remaining claims in this action;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED between Relator's counsel, the undersigned counsel for the United States and New York State that:

1. This action is dismissed with prejudice with respect to all claims brought on Relator's behalf.
2. Claims on behalf of the United States and New York State which are designated as Covered Conduct in the Settlement Agreements are dismissed with prejudice.
3. All other claims on behalf of the United States and New York State which are contained in the Relator's Complaint are dismissed without prejudice.

RICHARD P. DONOGHUE
United States Attorney
Eastern District of New York

Dated: Brooklyn, New York
January 10, 2020

By: /s/ Lisa D. Kutlin
Lisa D. Kutlin
Assistant United States Attorney
271 Cadman Plaza East
Brooklyn, NY 11201
718-254-6147
Lisa.Kutlin@usdoj.gov

Joint Stipulation of Dismissal – 17-CV-5734 (Feuerstein, J.)

LETITIA JAMES
Attorney General
State of New York

Dated: New York, New York
January 10, 2020

By: /s/ Hillary Chapman
Hillary Chapman
Special Assistant Attorney General

Dated: Great Neck, NY
January 10, 2020

GARFUNKEL WILD, P.C.
111 Great Neck Road
Great Neck, New York 11021
By: /s/ John G. Martin
John G. Martin
Stacey P. Klein
Attorneys for Relator
(516) 393-2200
jmartin@garfunkelwild.com

SO ORDERED

On this 13th day of January, 2020.

s/ Sandra J. Feuerstein

HONORABLE SANDRA J. FEUERSTEIN
United States District Judge